4557

G R S App F IX 4] **1941-42** **File No** 55-41

Previous References (nil) **Serial Nos** 80-82, 118

Later References
nil 10-45 (225, 226, 282)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Reg the transfer of the retired
Judges of the Bangalore city Municipality
to Mysore city

General and Revenue Secretariat

5182 5182/2

ml File No of 194/42 [App F III-2

Serial No

From the ml Commr, Bcsf
No LA5. 562 Dt 28-2-42.
Requests sanction to the transfer of Messrs Siddalingappa & Siddappa Action Supdts of the Mysore and Bangalore city metros respectively, ~~ordered by the Rev Commr~~ as the Auditor has taken objection to the transfer orders issued by the Rev Commr.

1) The Rev Commr has ated two Govt orders on transfering the Action Supdt-
(1) Govt No L 2908-28/ml 172-33-25 Dt 23-10-1935 & (2) Govt No L 5997-6017/ml 139-35-11 Dt 7-2-1936-

"K"

"D"

2) In para 4 of Go Dt 1935 it is stated that transfers of from one city metro to the other should be effected by mutual arrangement between the officers referred to (Ml Commr, Bcsf & the Dpty, City ml Cl, Mysore) - ~~Such mention in Go of 1935~~,

3) In para 2 of Go Dt 1936 it is stated that the Rev Commr shall be the initiating authority in regard to transfers of the officials.

× × × × ×

(IV) Officials of the city metros.

4) The Action Supdt has been

NOTE—Cont Sheet

WD 041 5—GI B—p 000—23 10 41

Audit objection - Bangalore city mfg —

File No. 5782 L of 1941/42 — General and Revenue Secretariat

Serial No —

treated as an Executive Head of a section of the mfg. He has been authorised to sign and draw bills relating to the Octroi Deptt.

5) It is a point for orders whether he is to be classified under the clerical establishment or our executive establishments. The Comptroller may perhaps be consulted unofficially.

submit for orders

(illegible) 25/3) The term "officials of municipalities" occurring as item 10 of G.O. D. of 7 2 36, need not be taken in such a circumscribed sense as the Audit has done. In fact, even M S R, does not define the term which is comprehensive including both Gazetted officers & non gazetted as in the Bor Local Fundamental Rules. The R C has made known of transfer of municipal Chiefs so, the objection does not appear to be quite valid.

Secy may be consulted

Sd 28/3/42 to The Revenue Commissioner may be requested to favour Govt with his views on the observations made in the audit objection, within a week.

Lawrence 25/3/42

Hm 27/3/42

Secy to Mysore

Serial No

(1) sorted with a draft letter for appl
Issue today
28/3/42

To The Rev Commr
No L9156 Dy 28 3-42
Calls for his opinion in the matter
from the Rev commr
No C5593/41-42 Dy 2-4-42
States that the Rev Commr is competent
to transfer such officials as her
Govt orders noted in the letter
subject for perusal
(2) If appd, the [illegible] will be sent
Comptroller will be requested to
state whether the objection taken
by the Local auditors is correct
6/4
(3) The comptroller will be
requested to furnish
6/4 his opinion in the matter
Law Secy 6/4/42

(1) Forwarded unofficially with
compliments to the comptroller for
favor of opinion in the matter.
Law Secy to Govt
7/4/42

SECT L DEPT 28 SEP 1942 OFFICE GOVT TO MYSORE

C L AND
CHIEF'S OFFICE B
639/spl
7/10/42
PAY & L SECTION
NOTE—Contn Sheet
VO No 103/CLAD
Dated 8/4/42

WD 04155—GPB—55,000—23 10-41

Audit objection Rejection memo

File No 5940/2 of 194

General and Revenue Secretariat

D 593/spl dated 28-4-42

O NO 501/CLAD Dated 25th April 1942

Serial No

16 Returned with compliments

SECY LAW DEPT 3528 28 APR 1942 GOVT OF MYSORE

17 The two Government Orders on the authority of which the Revenue Commissioner has ordered the transfers, refer only to transfers of clerks as clearly noted in the heading

18 The term "officials" occurring in para 3 of Government Order No L 5997-6017/M1 139-35-11 dated -2-1936 has no particular significance under the provisions contained in Mysore Service Regulations In common usage, however, it is used more or less in its generic sense, as to comprise all classes of superior Government servants The Government Order is, therefore, interpreted to refer only to clerical staff, as distinguished from the executive officers such as heads of sections of the Municipality, who are also the drawing officers, in view of the clear reading of the Government Orders

"D"

~~Besides the appointment of the Octroi Superintendent in the Municipality has not been made by Government on the recommendation of the Municipal Council~~

19 The transfer of Mr Siddappa, Octroi Superintendent, under reference therefore requires to be regularised by orders of Government

also that of Mr Siddappa

Deputy Comptroller
for Comptroller
(absent from Headquarters)

VR/25

xxx

Audit objection – Boiler mfg (5

General and Revenue Secretariat — File No 5940/R of 194 1-42 — [App F III—2

Serial No 20

Submitted for orders.

U/S 21) There has a Clearage of opinion 29/4 between the R C & the Comptroller

It is for orders of the transfer of the two Octroi Supdts ordered by the R C may be ratified by Govt, after Consultation by the Legal Advr.

Sd 29/4 22) The opinions of the Revenue Court & the Comptroller on the subject and for perusal they do not agree with each other

23) The Revenue Court seems to rely on the Revenue G.O. passed on the subject of transfer of officials of the local bodies in the State from the year 1925 upto 1936 and argues in a negative manner that he does not think that he is precluded from transferring non gazetted executive officials from of the two city to this of that where so, it is rather hard to understand why this power was not exercised by him for all these 16 yrs

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

File No | of 194 | General and Revenue Secretariat C

Serial No

must why it should have been brought into operation in the year 1941 for transferring the district superintendents of the two city Mills. The fact is that a careful reading of the G.O does not lend support to the contention of the Revenue Curtis, as they were primarily intended to be applied to the transfer of ministerial officers of the various local bodies in the State. The opinion of the comptroller that the G.O dated 7.2.36 cannot apply to the heads of sections who are also drawing officers has perhaps to be accepted in this view perhaps, the orders passed by the Revenue in regard to the transfer of the two officers may have to be revised

24) It may be stated in this connection that Mr Lee Balliappa who was transferred to Bangalore city as district superintendent has been appointed as Revenue officer, Bangalore city Mills and has accordingly come back & taken charge as such very recently

the district superintendent

Transfer of Octroi Employee

Bangalore City Municipality

General and Revenue Secretariat — File No 5940/1 of 194 — [App F, III—2

Serial No

25) The municipal Comm^r requests sanction to the transfer of Mr L Siddappa as octroi Supdt of the Bhadravathi Mpty. It is difficult to say whether the Bhadravathi Mpty to which does not appear to contemplate the transfer is considered by the discussion at the recent meetings of the Council at which the subject was considered — would agree to the proposal & whether it could be sanctioned — without consulting them either

26) In town proposal

Law Secy / Hm 29/4/42

27) May be considered if a resolution of the Mpty is received — Hm 30/4/42

ECY L'W DEPT 7657 29 APR 1942 GVT OF MYSORE

28) The transfer of Siddappa to Bangalore Corp^n Municipality may be approved.

Minister / L S G — Hm 30/4/42

OFFICE OF THE MINISTER FOR L S G & P H Date 30 Apr 1942 No 6792

29) What about the Siddalingappa Has he not been transferred to Bangalore also please put up immediately

Hm 30 Apr

30) He has been transferred to Bangalore and taken charge as per order

Minister / L S G — Hm 11/5/42

OFFICE OF THE MINISTER FOR L S G & P H Date 1-5-1942 No 6849

NOTE—Contn Sheet.

94155—GAB—57,000—23-3-42

)

5742-

File No — of 194

General and Revenue Secretariat

Serial No

1) I remember I have made some observations on a file relating to the subject see the papers relating to the subject as also the main file appointing Sri Siddalingappa as Dep. C. Hence may be put up what were the procedures adopted in appointing and effecting the transfers of other officers of the Bng Municipality on previous occasions put up previous references

Sd/-

3.5.62

Hm 4/5/62

xxx for 4/5/62

2.---

Said Kind reference is invited to para 88 of the notes in the file 10-11 (pls 25, 26, 45-48, 91 & 92) put up therein the Minister has been pleased to order that the auditor's objection may be examined.

This file also contains the Govt order appointing Sri Siddalingappa as Revenue Officer of the Bangalore

X Revenue Officer

"S1"

Transfer of Octroi Supts - Bangalore & Mysore city metres — 5940 V 6775

General and Revenue Secretariat — File No 10 of 1941 [App F III—2

Serial No

city mtgs.

35) Hitherto each city mtl has been appointing its own employees as Octroi Superintendent

36) The transfers of Octroi Superintendent in the two city metres have not been effected so far and this is the first of its kind

6/5 37) Submitted for orders now in the matter of the proposed transfer

6/5 of Mr L Sodappa to Bangalore

of Mr K Sodalingaya to Mysore

The latter has of course come back to Bl'ore as the Reo Offr, Bl'ore City Mtg.

SECY L & W DEPT 3870 3 JAN 1942 GOVT OF INDIA BOMBAY

6/5 Law Secy) for 6/5 Secy

38) The letter since received from the Bl'ore Comm'r is also put up.

39) for perusal with reference to para 31 supra

Minister L S G) Hon 2 9-5-42 for

OFFICE OF THE MINISTER FOR L S G & P H Date 9 MAY 1942 No 7040

40) The L Sodappa may be reverted to his substantive grade in the city Municipality supervising as octroi Superintendent. The file may be consigned thereafter.

NOTE—Contn Sheet

WD 04155—GPB—55 000—23 10 41

Transfer of Pochin Papers — Bihar & Orissa
√6736 √6725 etc. files

l

File No 55 of 194 | General and Revenue Secretariat

Serial No

(1) How did the present unsportsmanlike [illegible] appear on the transfer order of the Revenue Commissioner in the face of the Govt order 23 10 1935 and under what circumstances did the Govt officers [illegible] The present may be asked to explain

Sec
13 5 42

Hm
2
13/5/42

PL off attnd
for 13/5/42

on para 10 above
Separate action has been taken with regard to the orders of the Minister in the connected file regarding DTO 6810

A draft letter is submitted for approval with regard to the orders on para 4 supra

KB
14/5

Lawsey) for 14/5/42

(1) For personal

Dewan)

Hm
2
15-5-42
Sec

(11)

OFFICE OF THE DEWAN OF MYSORE

GEN & REV SECR.
16 MAY 1942
LEG BRANCH

ORDERS

OFFICE NOTE

41)

Please see the list of orders issued or under issue as to

1) as to the authority competent to appoint Revenue Officers in city Municipalities

2) the procedure to be adopted in making such appointments by transfer or otherwise

16/5/42

Hm 16/5/42

x x x

16/5/42

Rec'd back with MLSS 41-50 Dno 6736/X

P1 put up with the connected files

16/5/42

PTO

(12)

Serial No

(6) A Revenue Officer is not one of those officers contemplated in sections 233 and 234 of the Mysore City Municipalities Act, 1933 Section 233 speaks of the -- appointment of a Chief Officer The post of a Revenue Officer is however included in the rules framed by the Mysore City Municipality under Sections 38 and 49(b) - of the Municipal Act of 1906 According to these rules when the post of a Chief Officer is unfilled, a Revenue Officer shall be appointed and his pay and allowances will be determined by the Municipality under the orders of Government

(7) The powers, duties, etc of the Revenue Officer are defined in the rules 8 and 9 of Chapter V of the Rules and Bye-laws framed by the Mysore City Municipal Council.

(8) 2 In Bangalore City, however, there are no such rules framed by the Municipal Council - Under Section 232 A of the Act, Government have power to transfer any officer or a servant of a Municipality to the service of any other Municipality or of any District Board or of any Government Department Sub-section (2) of that Section states that Government shall have power to issue such special or general directions as it may think necessary for the purpose of giving due effect to the transfers Government have therefore control in the transfer of an officer like the Revenue Officer two

(9) 3 All along, the practice in the City Municipality has been for the Government to sanction the appointment of a Revenue Officer on the recommendation of the - Municipal Council concerned out of a panel of names of Amildars obtained from the Revenue Commissioner But

NOTE—Cont Sheet

very

Serial No

very recently, the appointment of Mr N Siddalingappa, a Municipal employee of the Bangalore City Municipality as a Revenue Officer was approved by Government Kind reference is invited to the notes in the files Ml 31-40 -5 & 6 and Ml 10-41-sls 25 & 92

4 Under Sections 49 (b) (ii) and (c) and 288(2) (c) of the City Municipalities Act, Government have power to frame rules regulating the appointment of officers, and their designations and determining their duties and salaries of such officers in the City Municipalities The appointments of Revenue Officers, Personal Assistant and Octroi Superintendent may be brought under these rules

5) In view of the controversy in this respect recently raised by the two City Municipalities, it is proposed to place the matter beyond any doubt by issuing the rules under the above sections so as to regulate not only the appointments of Revenue Officers but also to make them applicable to the P A to the Municipal Commissioner and the Octroi Superintendent of the Bangalore City Municipality Drafts of the rules framed have been sent to the Law Section for scrutiny They provide for the services of these officers being lent by Government to the Municipality from the Revenue Department, the pay and allowances being determined by Government and be borne and disbursed by the Municipal Council Provision has been made for the City Municipal Council to have its say in the matter of appointing a particular Amildar as a Revenue Officer and Government will pass orders, after considering the representation, if any

6) A copy of the draft rules framed in this behalf is also put up for kind perusal

7) Reference Dewan's minute dated 16/5/42 above orders are solicited on the two files put up below

Law Secy) 29/5/42

Secy L & D Dept 1942 Govt of Mysore

Rules relating to the appt & conditions of offices in City Municipalities &c (11

General and Revenue Secretariat | File No 6752/1 of 194 | [App F III-2

Serial No

11) The Personal Assistant to C.S. Bangalore
Encl
30 5 42
Ltr
4 6 42

55) Has my remarks in the linked file no 5795/2

51) Submitted with reference to the Devans memo dated 16 5 1942 (Para 4 5 of the note supra)
Law Secy) Ltr
11 6 42

57) Law Secretary
Ltr
13 6 42
Ltr

58) Noted
11/6/42
Ltr
17 6 Ltr

59) Issue letter to the President, Mysore Municipality
Ltr
17 7 42

To the Pdt, City Mcl. Mysore
No L787 dt 22-7-42.
Requests him to explain the position in full to Govt

DSA
23/7

NOTE—Contn Sheet

Officers ul ... clerks –

Mf Fil No. 55 — 675 & 667

f 1947 747 — General and Re enu Secretariat

S N 1

From the Odt Cf mnl cl Mysore
No cl64 C1/42 43 Dy 27-7-42
Explains the facts that led to the
relief of Mr S Siddappa as actor
Supdt of the Mysore Cf- mnf
( )ended with reference to para 41 supra
Mlo
29/7
GS
b) The Resident Mysore wld
has explained the circumstances under
which Mr Siddappa was relieved of
his duties as acting Superintendent of Mysore
Hrs letter (P U D) is submitted for perusal
with reference to the orders at para 41 of
the notes supra

Lawley for
29/8/42

Marked S G

Acs
31-8-42
for
1/9/42
VLG
2 9 42

BANGALORE CITY MUNICIPALITY

A A5 562/41

MUNICIPAL OFFICES

Bangl 28th February 1942

From

ABDUL AZIZ KHAN Esq BA
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

H V Narayana Rao Esq ,B A ,LL B
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SECY LAW DEPT GOVT OF MYSORE

I have the honour to state that in accordance with the Revenue Commissioner's Memo No C 2712/41-42 dated 26/28-11-1941 (copy enclosed) transferring Mr N Siddalingappa to Mysore Municipality as Octroi Superintendent andposting Mr S Siddappa in his place, Mr Siddappa joined duty in this Municipality on 17-1-1942 afternoon His T A and Salary Bill for the month of January 1942 were presented for audit The Local Auditor in his objection No 45/41-42 dated 19-2-1942 (copy enclpsed) requires the sanction of the competent authority (Government) for the above transfers I request you therefore to kindly obtain the sanction of Government to the transfer of Mr S Siddappa to this Municipality

I have the honour to be
Sir
Your most obedient servant

Municipal Commissioner

SVS

Bangalore City Municipality

45/41-42. Rs.93-9-0 being the pay of Mr S Siddappa, Octroi Superintendent, from 15-1-1942 to 31-1-1942 passed provisionally as desired by the Municipal Commissioner, pending competent sanction (Government) for his transfer from Mysore City Municipality to Bangalore City Municipality, as the G.O. quoted by the Revenue Commissioner ~~ix~~ in his transfer memo relates to the clerical establishment only

Sd/-C R Vasudeva Rao,
Auditor.19/2/42.

-- oOo --

"C o p y"

Municipal Commissioner.

svs.

Copy of Memo No C.2712/41-42 dated 26/28th November 1941, from the Revenue Commissioner in Mysore, to the Municipal Commissioner, Bangalore City, Thro' the President.

-- oOo --

The following transfers are ordered, under Government Orders No.L 2908-28/Ml.172-33-25 dated the 23rd October 1935 and No.L.5997-6017/Ml.139-35-4 dated the 7th February 1936 (To take effect forthwith).

	From	To
1. Mr.N.Siddalingappa, Superintendent of Octroi in grade Rupees 100-10-150	Bangalore City Municipality.	Mysore City Municipality
2. Mr S Siddappa, Superintendent of Octroi in grade Rs.100-10-150	Mysore City Municipality	Bangalore City Municipality

-- oOo --

Municipal Commissioner

svs.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

Dated Bangalore, 28th March 1942.

No L 9157 Inc ane /Rl

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Revenue Commissioner in Mysore,
Bangalore.

Sir,

I am directed to forward herewith a copy of letter No.A5.562/41 dated 28th February 1942 received from the Municipal Commissioner, B'lore together with a copy of its enclosure (Audit Objection) regarding the transfer of the Octroi Superintendents of the Bangalore City Municipality to Mysore, etc., and to request you to be so good as to furnish your opinion on the objection taken by the Auditors in this behalf.

The favour of an early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

(Draft) for Secretary to Government,
Law Department.

Aga/3.

Appendix F G—1}

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 28/2/42 "Q"

Signed by H. S. Rao "R"

List of enclosures

Copied by

Examined by

Section ml

File No 55-41

Immediate

Serial No 81

No L. 9156

To

The Rev Commr, in Mysore,
Bangalore

Sir,

I am directed to forward herewith a copy of letter NOAS 562/41 Dy 28th Feb 1942 received from the ml Commr together with a copy of its enclosure (Audit objn) regarding the transfer of the action Supdt of the Bldg a city mcp to Mysore etc, and to request you to be so good as to furnish your opinion on the objection taken by the Auditors in this behalf.

The favour of an early reply is requested

I have etc

for Secy to Govt
Law Deptt
28/3

WD 0563—GPB—30 000—6 1 39

28/3

5940

APR 1942 S G BRANCH

No C 5593/41-42
Encl

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE

Bangalore dated 2nd April 1942

55-41-82

FROM

Rukn ul Mulk
S ABDUL WAJID, Esq, B A,
Revenue Commissioner in Mysore,
Bangalore

To H V Narayana Rao, Esq, B A, LL B,
Secretary to the Government of His Highness
the Maharaja of Mysore,
Law *Department, Bangalore*

SEOY LAW DEPT 1942 GOVT OF MYSORE

Sir,

Subject —

With reference to your letter No L 9156/M1 dated the 28th March 1942 regarding the transfers of Messrs N Siddalingappa and S Siddappa, Octroi Superintendents, I have the honour to state that the marginally noted Government Orders empower the Revenue Commissioner to transfer both ministerial and non-technical non-gazetted executive officials of the Bangalore and Mysore City Municipalities The Government Orders dated the 23rd October 1935 and 7th February 1936 do not I think preclude the Revenue Commissioner from transferring non-gazetted executive officials of the two City Municipalities as maintained by the Local Auditor, Bangalore City Municipality

Government Order No L 6129-6192/M1 145-24-52 dated the 19th February 1925 S

Government Order No L 5347-407/M1 22-26-42 dated the 2nd February 1927 F

Government Order No L 5997-6017/M1 139-35-11 dated the 7th February 1936 D

Government Order No L 2908-28/M1 172-33-25 dated the 23rd October 1935 "K"

I have the honour to be,
Sir,
Your most obedient servant

Revenue Commissioner

BANGALORE CITY MUNICIPALITY

No A5 319/41-42

MUNICIPAL OFFICES

Encl Nil

Bangalore 5th May 1942

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

H V Narayana Rao, Esq , B A , LL B ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT BANGALORE

SIR

In continuation of my letter No A5 562/41 dated 3-3-1942, I have the honour to forward herewith for kind information and for orders of Government a copy of the resolution of the Municipal Council passed at their meeting held on 23-4-1942, re retransfer of Mr S Siddappa, as Octroi Superintendent of the Mysore Municipality and placing Mr N Siddalingappa, Revenue Officer-in-charge of the office of the Octroi Superintendent in addition to his own duties as Revenue Officer

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

'Advance Copy '

Municipal Commissioner

35/41-42

Minutes of the Proceedings of the Adjourned Council Meeting of the City Municipality, Bangalore, held on 23-4-1942 at 3 p.m. in the Council Chamber of the City Municipal Offices, Bangalore.

Present

K. Hanumantha Rao, Esq., B A., LL B.,

Honorary President

1.	1	Mr. V T Govindarajulu, B A , B.L
	2	" R. Subbanna
	3.	" Paralal Tiwari
	4	" G. Nanjappa
	5.	" T Gangadharaswamy
	6	" B. Narasimhiah
	7	" V Venkataswami Chetty
	8	" K.R Ramaswami, B A.
	9	" K Shamarajaiengar, B A.
	10.	" C.R Narasinga Rao, B A., B.L
	11	" M.A Gopalaswami Iyengar, A., LL.B.
	12.	" M.B Honnappa, B A , B L.
	13	" M.C Suryanarayana Rao
	14	" A R A Basit
	15	Dr M. Poyan, M D.

Absent.

1	Mr. W.H Hanumanthappa
2.	" N.Kesavaiengar, B. A., B L
3	" L S Raju, M A (Hons), B L
4.	" V. Venkataramappa
5	" K. Gangasetty
6	" H R Guruv Reddy, B A , LL.B.
7.	Dr. Miss Kamala Ramachandriah
8.	Mr M K. Narayana Iyengar, B A., B L.
9.	" B Subbiah, B.Sc , LL B.
10.	" Kota Karakshiah Setty
11	" O.S. Nasarulla Sheriff, M A , LL.B.
12	" Mirza Azeezulla Beig
13	" H.B Mohamad Khan
14	" V Chikkayellappa

Subject No 96 -

G O No L 8796-99/M1 10-41-92 dated 23rd March 1942 ordering the retirement of Mr T Madhava Rao and posting Mr N Siddalingappa, M A , LL B , as Revenue Officer ~~ex~~ of the Bangalore City Municipality

---

Council proceedings dated 23-4-42

Subject No 96

The President observed that this Government Order did not relate to the retirement of Mr Madhava Rao but to his posting as Personal Assistant and this correction might be noted in the agenda

Mr V K Govindarajulu Naidu moved that 'this Council resolves that in view of the irregular transfer of Mr N Siddalingappa to Mysore, without either Government Order or Council's approval Mr Siddappa has no place in this Municipality and accordingly Mr N Siddalingappa who has taken charge of the Revenue Officer be asked to take up the duties of the Octroi Superintendent in addition to his own duties, until such time as permanent hand is appointed and Mr Siddappa be relieved of his duties forthwith ' While moving the above r V K Govindarajulu Naidu explained the whole case and said while the Council had taken assurance from the Commissioner, that Mr N Siddalingappa would not be relieved till final orders had been received from Government, Mr N Siddalingappa had been relieved ~~x~~ and the transfer order from the Revenue Commissioner was not brought to their notice The Commissioner would have written to the Revenue Commissioner intimating that the Council was against the order This order of the Revenue Commissioner was irregular in as much as he had no locus standi to transfer the officers of the Municipality and his powers were limited to officials only As such this order was neither binding on the Municipality,nor legal So they were perfectly right in protesting against this transfer order and asking for reversion of Mr Siddappa to Mysore

Mr T Gangadharaswamy seconded the above

Mr C N Narasinga Rao observed that the decisions of the Council must be respected The order of transfer without consulting the Municipal Council was really against rules and convention But as he did not know the circumstances that led to

VTG
13 5 42

the whole question, he said that the subject may be taken up at the next meeting All the formalities re the transfer of Mr N Siddalingappa had been completed and they were at the stage of recording the Government Order So to raise objections then was not correct He moved that the matter might be deferred for the next meeting 2

Mr A R A Basith seconded the ferring motion of Mr C N Narasinga Rao

The President informed the members that this question was pending from a long time and it was not desirable to put it off any more There was no doubt that the order of transfer by the Revenue Commissioner did not apply to officers The present transfer order was not correct since the Revenue Commissioner had no jurisdiction in the matter Neither the Council nor the President were consulted as they ought to have been done The Commissioner had ignored the rights of the Council and the President It was a serious matter Hence, he suggested, that the subject be disposed of at that meeting alone

The Commissioner then explained to the House that he had written to Government in the matter and was awaiting orders The President of Mysore City Municipality relieved Mr Siddappa in pursuance of the order of transfer and as the Officer reported himself for duty here, he had no other go but take him on duty As regards placing the order of transfer before the Council, he said that since he did not feel there was any necessity for it, he did not place it before the Council nor did he make a reference to the Revenue Commissioner stating that the Council were against the order He informed the House that the move for transfer did not originate from him It was because the Mysore President relieved Mr Siddappa, he was compelled to relieve Mr N Siddalingappa

Then the deferring proposition was put to vote and lost, 3 voting For and 7 Against

VTG
13 5 62

Mr C N Narasinga Rao observed that it was quite clear from the explanation of the Commissioner that he was helpless in the matter and that the transfer started from Mysore He said that the latter portion of the resolution might very well be omitted He moved that 'this Council resolves that the transfer of Mr N Siddalingappa to Mysore is irregular and requests Government to re-transfer Mr Siddappa to Mysore '

Mr A R A Basith seconded the above

The amended proposition of Mr C N Narasinga Rao was put to vote and lost, all but three voting For

Then the original proposition of Mr V K Govindarajulu Naidu was put to vote and passed by a Majority

Sd K Hanumanthaiya
Honorary President

=o=

'C O P Y '

Municipal Commissioner

MR ABDUL AZIZ KHAN
MUNCPL COMMS NR

Confidential

D O No A5 319/41

CITY MUNICIPAL OFFICES
BANGALORE
Dated 6th May 1942

6736/L

Dear Mr Narayana Rao,

In continuation of my letter No A5 319/41-42 dated 5-5-1942 forwarding copy of the resolution of the Municipal Council dated 23-4-1942, re retransfer of Mr S Siddappa, Octroi Superintendent, to Mysore City Municipality, I write to state that under Section 232A Mysore City Municipalities Act VII of 1933 issued under the amended Act I of 1938, (extract enclosed for ready reference) the Government have powers to transfer any officer or servant of a Municipality to the service of any other Municipality The Revenue Commissioner under the powers vested in him to transfer officers including Amildars, has issued orders of transfer of Mr S Siddappa Since Mr Siddappa was relieved of his duties at the Mysore City Municipal Council in pursuance of that order and reported himself for duty here, Mr N Siddalingappa had to be relieved of his duties of Octroi Superintendent here Mr S Siddappa has been working here ever since, i e , from the past four months

While recording the G O No L 8796-99/M1 10-41-32 dated 23-3-1942, the Municipal Council at their meeting held on 23-4-1942 resolved that Mr S Siddappa may be retransferred to Mysore Further, they have remarked that the order of the Revenue Commissioner was irregular in as much as he has no locus standi etc , to transfer the officers of the Municipality and that his powers of transfer were limited to officials only (Vide copy of proceedings

proceedings enclosed with my letter adverted above)

In these circumstances I request you to kindly move Government to approve of the transfer of Mr S Siddappa as Octroi Superintendent of this Municipality under the orders issued by the Revenue Commissioner I may mention here that he was working in the Mysore City Municipality for nearly 18 years and that he is a very efficient officer and I am sure the Octroi Department will improve considerably under him I write to further state that Mr S Siddappa was in charge of the current duties of the Personal Assistant and the Revenue Officer in addition to his own duties from the date of relief of Mr T Madhava Rau up to the dates on which Mr A Mariappa the present Personal Assistant and Mr N Siddalingappa, the present Revenue Officer reported themselves for duty The allowances attached to these respective posts may also be kindly sanctioned to Mr S Siddappa during the above period

Yours Sincerely,

H V Narayana Rao,Esq ,B A ,LL B ,
Secretary to Government,
Law Department,
BANGALORE

Serial No

and the connected file has been submitted to the Minister, L-S with the information called for by him

also
May may be submitted in continuation for the Minister L-S for perusal today

WD 04155—GPB—55 000—28-10-41

Minister L-S 8/5/42

8/5/42

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SEC L N DEPT 4055 1 JAN 42
OFFICE OF THE MINISTER
GOVT POST GRADUATE H
Dr 8-5-1942
Rs 2000

File No of 194

General and Revenue Secretariat

Serial No

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 787

Dated, Bangalore, 22 July 1942.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department.

To

The President,
City Municipal Council,
Mysore.

Sir,

In continuation of Government Order No L 116258 dated 15-6-42 MNE 55-41-101 directing the retransfer of Mr S Siddappa, Octroi Superintendent, Bangalore City Municipality, to his original place in Mysore City Municipality, I am directed to point out that according to the Government Order No.L 2908-28/Ml.172-33-25 dated 23rd October 1935, the Revenue Commissioner is empowered to issue orders of transfer only in respect of the ministerial and clerical establishments of the City Municipalities and in view of this fact, the circumstances under which you gave effect to the Revenue Commissioner's order of transfer on behalf of Mr Siddappa, an Executive Officer of the Municipality and relieved him are not clear

I am accordingly to request you to be so good as to explain the position in full to Government very early

I have the honor to be,
Sir,
Your most obedient servant,

(Draft)

for Secretary to Government,
Law Department.

SR/2

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 22-7-42

Signed by [illegible]

In continuation of his no. L 16258/ml 35-41-101 dated 15/6/42 directing the retransfer of Mr. S. Siddappa, Action Supdt. Bijapur city mclp. to his original place in Mysore city mclp., "K"

List of enclosures

Copied by

Examined by

Section

File No

Serial No

No L 787

To

The Dpty. city mcl. Mysore

Sir,

With reference to the transfer of Mr. S Siddappa Action Supdt of the Mysore city mclp to the Bangalore city mclp, I am directed to state that, according to the G.O. No. L 2908-28 dated 22-33-25 as amended by G.O. No. L 139-35 dated 23-10-1935, the Revenue Commr is empowered to issue orders transfer only in respect of the Ministerial

and clerical establishments
of the city Mehtes etc., ~~how~~
~~such a circumstance it~~ and in view of this fact
~~is not understood how~~
under what the circumstances instructions
You gave effect to the
Rev comm's order of transfer
on behalf of Mrs Siddalapa,
an executive Officer of the
Welf & relief Unit are not clear.
I am accordingly to
request that a ~~full explanation~~ you please to good as to explain
~~of~~ the position in full for-
to Govt very early
warded
I have etc
from
for secy to Govt
Law Deptt
T4/5

667

No H4 C 1/42-43
Encl Two

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 25th July 1942

From

B S RAGHAVENDRA RAO Esq, M A (Hons)
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To

C Narayanaswami Naidu, Esq, B A, B L,
Secretary to Government, Law Department,
BANGALORE

"J" "K" "H" "O" "Y" "X" Adverting to your letter No L 787 dated 22nd July 1942, stating that according to Government Order No L 2908-28/M1 172-33-25 dated 23rd October 1935, the Revenue Commissioner is empowered to issue orders of transfer only in respect of the ministerial and clerical establishments of the City Municipalities and in view of this fact, the circumstances under which I gave effect to the Reverue Commissioner's order of transfer on behalf of Mr Siddappa, an Executive Officer of the Municipality and relieved him are not clear etc, I have the honour to state that in your letter No L 1292-93 dated 11th August 1941 (copy enclosed) a list of officials employed in the Municipality and their period of stay was called for While forwarding this list I enclosed also a copy of interpellation put up at the meeting of the Municipal Council held on 26th July 1941 and my reply thereto An extract of my letter in question is enclosed for ready reference On this Government ordered in letter No L 3356-57/M1 130-41-1 dated 31st October 1941, that immediate action may be taken to effect the transfers of officials, both ministerial and executive, who have stayed for more than five years in the City Municipal Office in consultation with the Heads of Departments concerned and to report to Government the action taken on this behalf before the end of December 1941 The letter also stated that the list may be got prepared and sent to the Revenue Commissioner, Director of Public Health and the Chief Engineer for necessary action The list was accordingly sent to the Revenue Commissioner, who in his Order No C 2712/41-42 dated 26/28th November 1941 transferred Mr Siddappa to

to Bangalore and Mr Siddalingappa to Mysore Under rule 6(a) of the rules framed by the Municipal Council under Section 49 "The President shall have power to appoint, suspend fine, reduce or dismiss any Municipal Officer or servant other than the Chief Officer, Health Officer of Municipal Engineer But the appointment or dismissal of any officer or servant on a pay of Rs 60/- and upwards shall be subject to confirmation by the Municipal Council" As in this case Mr Siddalingappa has been posted in Mr Siddappa's place this required the confirmation of the Municipal Council and accordingly this was placed before the Municipal Council and was recorded in their resolution No 416 dated 22nd December 1941 This fact has also been intimated to Government in this office letter No G T 1629 dated 15th January 1942 As a matter of fact the Municipal Council raised the question as to how the transfer was effected without consulting them and I told them that the transfer was a direct result of their interpellation referred to above and hence this was placed before them for confirmation as per rules

2 I may add that although the Revenue Commissioner definitely quoted the orders of 1935 and 1936 in the memo in question transferring Mr Siddappa, it was felt that it was not for this office to raise the question of his powers to effect such transfers and report the case to Government especially when the Government had specifically stated in their Order No L 3356-57/M1 130-41-1 dated 31st October 1941 that the transfers of officials both ministerial and executive may be effected in consultation with the Officers referred to therein, viz Revenue Commissioner, etc

I have the honour to be,
Sir,
Your most obedient servant,

B Veeshavendra Rao
PRESIDENT 26/7

KSR

Extract of letter No G T 493 dated 30th August 1941 from the President, City Municipal Council, Mysore to the Law Secretary to Govt.

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xxx xxx xxx

"In this connection, I am also enclosing a copy of an interpellation put up at the meeting of the Municipal Council held on the 26th July 1941 and my reply thereto I fully agree with the Council that it is necessary that at least a good number of these people who have been here from long must be transferred But in view of the fact that they can only be sent to the Revenue Department where a pass in the Revenue lower is a necessary qualification for confirmation, it has been found very difficult to effect the necessary transfers I would therefore respectfully suggest that if possible they might be transferred to other departments also where such a minimum qualification is not insisted upon"

Sd B S Raghavendra Rao

'COPY'

B Raghavendra Rao

PRESIDENT

KSR/25-7-42

Copy of D O letter No L 1292-93 dated 11th August 1941
from the Secretary to Government, Law Department, Bangalore.

"I am desired to request you to forward a statement showing the number of officers and officials employed in the City Municipality and the period of their stay.

The matter may be kindly treated as immediate"

Sd A Arunachalam,

'COPY'

By Narasimhan

PRESIDENT,
25-7-1942

KSR